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Counsel for Defendant Saul Sanchez-Reyes

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
SAUL SANCHEZ REYES,
Defendant.

)
No. CR 12-0204 MMC
) STIPULATION AND [PROPOSED]
) ORDER CONTINUING OCTOBER 31,
) 2012 HEARING DATE TO NOV. 28
) ~~NOVEMBER 21~~, 2012 AND SETTING
) BRIEFING AND HEARING DATES
) AND EXCLUDING ADDITIONAL
) TIME FROM OCTOBER 31, 2012 TO
) ~~NOVEMBER 21, 2012~~ 28, 2012
)
)

STIPULATION

This Court previously set a briefing schedule based on the agreement of the parties. Effective September 24, 2012, Mr. Reyes's case was transferred from AFPD Shawn Halbert to AFPD Candis Mitchell (the Substitution of Attorney form has not yet been filed only because Ms. Mitchell does not yet have an ECF password). Further, in preparing its motion, the defense learned that it does not have the audio tape recording of Mr. Sanchez Reyes' immigration hearing that resulted in defendant's removal from the United States, which is directly relevant to defendant's challenge to the removal and which the government will seek to provide. For the above two reasons, the defense requests that the briefing schedule be modified as set out below, with the understanding that the

1 defense will seek to return to court on or before October 17, 2012 if the audio recording of the
2 immigration hearing contains information that renders the motion moot. The government has no
3 objection to the modified briefing scheduling in light of the above reasons.

4 The briefing and hearing schedule will be as follows: defendant will file his opening motion on
5 October 17, 2012; the government will file an opposition on November 7, 2012; the defense will file
6 a reply on November 14, 2012; the motion will be heard on November 21, 2012 or any date
7 thereafter convenient to the Court.

8 The parties also agree that the time between October 31, 2012 and November 21, 2012 (or
9 some date thereafter convenient to the Court) should be excluded under the Speedy Trial Act; the
10 continuance is necessary for continuity of counsel and effective preparation of counsel, 18 U.S.C. §
11 3161(h)(1)(D) and (h)(7)(A) and (h)(7)(B)(iv) and for defendant's pending motion as of October 17,
12 2012, and the ends of justice served by granting such a continuance outweigh the best interests of
13 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

14 SO STIPULATED.

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16 Dated: 9/25/12

MELINDA HAAG
United States Attorney

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19 /s/
J. MARK KANG
20 Special Assistant United States Attorney

21 Dated: 9/25/12

/s/
SHAWN HALBERT
22 Attorney for Defendant

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ORDER

2 For the reasons stated above, the Court continues the hearing date from October 31, 2012 to
3 November 28
4 ~~November 21~~, 2012 and sets the motion briefing and hearing date as follows: Defendant will file his
5 opening motion on October 17, 2012; the government will file an opposition on November 7, 2012;
6 November 28
7 the defense will file a reply on November 14, 2012; the motion will be heard on ~~November 21~~, 2012.
8 November 28

9 IT IS FURTHER ORDERED that the time between October 31, 2012 and ~~November 21~~, 2012
10 should be excluded under the Speedy Trial Act; the continuance is necessary for continuity of
11 counsel and effective preparation of counsel, 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) and
12 (h)(7)(B)(iv) and for defendant's pending motion as of October 17, 2012, and the ends of justice
13 served by granting such a continuance outweigh the best interests of the public and the defendant in
14 a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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16 SO ORDERED.

17 DATED: September 28, 2012

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THE HONORABLE MAXINE M. CHEANEY
United States District Judge